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SRI T. C. NARAYANA NABIAR :—" A Select Committee can be appointed with instructions to report before the conclusion of this sitting."

SRI N. GOPALA MENON :—" May I know whether any public interest will suffer by the delay entailed in referring the Bill to a Select Committee? "

THE HON. SRI C. SUBRAMANIAM :—" Then a Select Committee may be appointed with instructions to report by to-morrow morning. The names of Members will be given later."

SRI L. C. PAIS :—" Is it proposed to include only Members from Malabar? "

THE HON. SRI C. SUBRAMANIAM :—" Members from South Kanara also may be included."

THE HON. SRI C. RAJAGOPALACHARI :—" The Hon. Minister in charge of the Bill will select Members coming from the area to which the Bill relates. But it need not be put down as a rule, because that distinction would not be right.

" Sir, the instruction to the Select Committee may be that it should report by to-morrow afternoon instead of to-morrow morning."

MR. SPEAKER :—" The question is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953, be referred to a Select Committee with instructions to the Committee to submit its report by the afternoon of to-morrow, 29th July.' "

The motion was put and carried.

MR. SPEAKER :—" The names of the Members of the Select Committee and the person nominated by me as Chairman will be announced later." (See page 1612 infra.)

(7) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) SECOND AMENDMENT BILL, 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :— 1 p.m.
" Mr. Speaker, Sir, I beg to introduce the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill[a], 1953, and move—

' *That the Bill be taken into consideration at once.*' "

SRI VAVILALA GOPALAKRISHNAIAH :—" Sir, I move the amendment standing in my name, namely—

' *That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1953, be referred to a Select Committee.*' "

SRI K. GOVINDA RAO :—" I second it."

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[a] Published in the *Fort St. George Gazette*, dated 1st July 1953.

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SRI S. VEMIAH :—" Sir, I move the amendment standing in my name, namely—

> ' *That the Madras Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill,* 1953, *be circulated for the purpose of eliciting public opinion thereon.'* "

The amendment was duly seconded.

MR. SPEAKER :—" The motion of the Hon. Minister and the amendments are before the House for discussion."

SRI G. LATCHANNA :—" అధ్యక్షా, ఈ యొక్క బిల్లుమీద మొత్తంపైన మేము ఎందుకు అభ్యంతరం చెప్పడానికి అవసరం వుండదేమో అని మొదట భావించాము కాని బిల్లు వివరాలు చూస్తే, ఇందులో మూడవ క్లాజు మాత్రం చాలా ప్రమాదకరమని మాత్రం ప్రభుత్వం గమనించాలి అని నేను కోరుతున్నాను."

SRI V. K. RAMASWAMY MUDALIYAR :—" Sir, we are not able to follow the Telugu speech of the hon. Member."

SRI G. LATCHANNA :—" Sir, we felt in the beginning that there would be no objection to accept this Bill. The provision in clause 3 particularly is very mischievous. It is against the assurance given by the Hon. the Chief Minister and the Hon. the Revenue Minister on the floor of the House. This clause gives the power to Government to make an appeal against the Settlement Officer's decision. This power was asked previously when the Rent Reduction Bill was moved. In the present Estates (Abolition and Conversion into Ryotwari) Second Amendment Bill, 1953, clause 3 comes like the Maricha in disguise. Why this provision has come here against the assurances given by the Chief Minister and the Revenue Minister? They will say that power will be used only in the interests of the tenants and not in any other way. But they cannot prevent others from safeguarding their interests. It is nothing but implementing the spirit of the judgment of the Division Bench of the High Court in favour of inamdars. It must be said in one word that the Government are very particular to see that somehow or other the decision given by the Division Bench of the High Court is implemented. This will help the rights and demands of the inamdars against the interests of lakhs of ryots. This will create an awkward situation particularly in Andhra Desa. Just before this Bill, the Irrigation Bill was passed by this House. In discussing that Bill, the Hon. Revenue Minister was pleased to say that it concerned only the Bhavani Project, and that he did not know why the Andhra Members raised objections when the Bhavani Project area people were not raising objections. Sir, this will affect most of the area in Andhra. I only want to remind the Hon. Minister about the assurances the Government gave on the floor of the House recently that they were not going to reconsider the matter. They could say that after due consideration they agreed to reconsider. But I am sorry to say this Government are failing in their repeated

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promises, assurances and announcements, made often and often during the last 1½ years, to bring forward the Estates Land Act Amendment Bill. They are failing to fulfil their promise of bringing forward the Estates Land Act Amendment Bill. But they are very enthusiastic and energetic to bring forward the present Bill to have powers to themselves in some form or other. This is very bad, and this will create lot of litigation in Andhra Desa. This will lead to nothing but anarchy. If the Government are sincere, and they want to help the people, the only way to do that is to bring forward an amendment to the Definition Section in the Estates Land Act. No other thing will solve the problem. I only request Government to drop this Bill. I have no objection to their omitting this particular clause (clause 3) and passing the rest of the clauses in the Bill. I seriously protest and object to this clause. This clause should not be passed by the House.''

* THE HON. SRI M. A. MANICKAVELU NAICKER :—
'' Sir, the hon. Member for Sompeta is obsessed with the idea that the Government are doing something sinister. He is entirely mistaken. When I explain the provisions, he will, I hope, understand. The first provision is that a person aggrieved by a decision of the Settlement Officer can appeal to the tribunal. According to the Madras General Clauses Act, 1891, 'person' includes any company or association of individuals, whether incorporated or not, but does not include the Government. Now the Government want to make a provision that the Government also can appeal. That is the simple amendment. As it is, only an individual or a corporation can appeal but not Government. The Government are excluded under the provisions of the General Clauses Act. It is thought that the Government also will appeal against the decision of the Settlement Officer when an area is declared as an inam estate. I am sorry the wording in the Statement of Objects and Reasons gives some room for that interpretation. But I may here say that the Government are not interested in appealing against decisions which go against the ryots. But the Government cannot provide that only in certain instances the Government can appeal. There will be a general provision that the Government can appeal when the decision is adverse. I give the assurance that the Government will appeal only in cases where the rights of ryots are adversely affected. But we cannot make a discriminatory provision in the Bill. The second point is that the landholder may have given pattas of a communal land or lands which are of a communal nature. It so happens that the ryot cannot appeal against this either for want of finance or for want of knowledge. In such circumstances the Government will step in and will appeal in the interests of the ryots in order to safeguard the lands and preserve them for ryots and communal purposes. This is the second amendment. The third amendment is that under the Rent Reduction Act a certain rent was fixed. But the landlord might have collected more than

1·10 p.m. the amount due under the Rent Reduction Act. For example, if the rent, according to the Rent Reduction Act, is Rs. 60, the landlord might collect Rs. 70. What the Government propose to do is that, in such circumstances, the Government will in the subsequent year, instead of collecting Rs. 60, will collect only Rs. 50. That is to say, the extra amount collected by the landlord will be offset by collecting only Rs. 50 in the subsequent year. Therefore, the advantage goes to the ryot. Further, we have got to pay compensation at the rate at which the landlord is collecting rent. But we can give him compensation only at the rate at which he is entitled to collect it. We want to make provision accordingly.

" Then, there will be some difficulty in recovering the amount from the landlord. So, provision to recover it as an arrear of land revenue has been included in the Bill. The hon. Member from Sompeta need not think that there is something very sinister taking place."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I shall also ask Sri Latchanna to consider this. The inamdar is always a party before the Tribunal. In some cases, it might be the tenant that is affected. Suppose the decision goes in favour of the inamdar and is adverse to the tenants and to the Government. There should be somebody to make an appeal to the Tribunal. Unfortunately, if the tenants do not take action, nobody else can take action. The tenants may not be interested or they may be induced by some consideration or other not to take further action. In that case, the Government want to step in and take the matter in appeal. If the decision goes against the inamdar, he will, in any event, appeal to the Tribunal because he is a party to the proceeding. Now, we want to provide for a case where the decision goes in favour of the inamdar but the tenants do not take action, whatever the reason might be. In that case, the Government should have the power to step in and take the matter in appeal. That power they do not have now. That is the only provision made in clause 2. It is not as if we want to amend the definition of ' estate ' or any other thing. We are not enlarging the scope of the thing. In case of appeals, only parties to the dispute can go in appeal. The Government have no *locus standi*. In certain circumstances the case goes by default because the tenants either take no interest or are purchased away not to go in appeal and sometimes they do not have even knowledge of the provision. So, the Government should have the power to step in and go in appeal. That is the simple provision that has been made here.

" The other provision is this. Where the inamdar or estate-holder has collected more money at a higher rate, the Government have got to make extra payment. To that extent, provision is made to collect the extra amount from the compensation payable to the landholder.

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"These are the only two provisions contemplated in the Bill. There is no question of favouring the landlord. On the other hand, it is for the purpose of getting at him where there is nobody else to take action against him."

* SRI K. GOVINDA RAO :—" The Hon. the Leader of the House has interpreted clause 2 in a particular way. He has said that only in the case of inam villages where the interests of the peasantry are affected that the Government will step in and appeal to the Tribunal. That is the power they want to have. If that is their idea, they can straightway accept an amendment which stands in the name of the hon. Member Sri Ramalingam."

THE HON. SRI M. A. MANICKAVELU NAICKER :—" It should not be provided in the statute itself."

* SRI K. GOVINDA RAO :—" But to-morrow it is not the statement on the floor of the House that will be useful."

* THE HON. SRI C. RAJAGOPALACHARI :—" Legally we cannot justly or properly frame an Act by which one party is deprived altogether of remedy. The Government may not, as a matter of policy, appeal but the party must be entitled to appeal. We cannot make an one-sided provision for legal remedy. That is the difficulty."

* SRI K. GOVINDA RAO :—" Herein lies the danger. Suppose there is a particular inam village which has been declared an estate by the Settlement Officer. Then does not this Bill provide that the Government can go to the Tribunal and argue that it is not an inam estate?"

THE HON. SRI C. SUBRAMANIAM :—" What we want is that it should be declared an estate. The winning party does not go in appeal."

* SRI S. RAMALINGAM :—" Sir, in the Statement of Objects and Reasons it is stated—

'Although the Government may not be generally concerned with a decision of the Settlement Officer as to whether a particular village is or is not an inam estate . . .'

Therefore, it is clear that the Government are not particular as to whether a particular village is an inam estate or not. I want to emphasise that it should be provided in the law itself that it is only in cases where the decision of the Settlement Officer goes against the interests of the ryots, the Government will step in. The Government themselves say that that is their intention. So, I do not think there will be any difficulty in accepting my amendment."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the whole inam legislation is in the interests of the ryots. The Estate Abolition Act and the other Amendment Act were all in the interests of the ryots. So, the Government will not act against

the interests of the ryots. As I have already stated, the appeal provision will be taken advantage of only in the interests of the ryots. But we cannot make a specific provision that an appeal should be made only in such cases. That will be wrong and such a provision cannot be made in the statute."

* THE HON. SRI C. SUBRAMANIAM :—" The actual provision is—

'Against a decision of the Settlement Officer under sub-section (1), the Government may, at any time, and any person aggrieved by such decision may, within two months from the date of the decision or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal . . .'

Therefore, if a village is held to be an inam estate, the inamdar is an aggrieved party and he is entitled to go in appeal. It is not as if a third party should come to his help. Therefore, it is provided where the party aggrieved can go in appeal. But there are certain cases where the aggrieved persons do not take any action. That is, the tenants do not take action because they do not know about the provision or they do not care about it or they are purchased away not to take any further action. In those cases, it is sought to empower the Government to go in appeal. It is only when you lose a case, you appeal. When the decision is in favour of the Government, that is, when a certain village is declared an inam estate, then having won the case, we will not go before an Appellate Tribunal for reversing that decision. No winning party goes in appeal. Therefore, the Government take power to appeal only where the tenants do not appeal for want of knowledge about the provision or due to indifference."

1-20 p.m. SRI V. BALAKRISHNAN :—" I would like to know whether anybody was handicapped by the absence of these laws."

* THE HON. SRI C. SUBRAMANIAM :—" Yes, Sir, we have been very much handicapped, because we could not go in appeal. As far as the inamdars are concerned, they are all propertied people, they have their legal advisers and they take all matters in appeal. But so far as the tenants are concerned, the same cannot be said. They cannot take the matters in appeal. In many cases, the tenants were unable to appeal and so the inamdars have walked away with the property. That is why it has become necessary to introduce a provision enabling the Government to prefer an appeal on behalf of the tenants."

SRI G. LATCHANNA :—" Mr. Speaker, in spite of the clarification made by the Hon. Ministers for Land Revenue and Finance and the kind clarification made by the Hon. Chief Minister I am sorry to say that I am unable to accept and support this amendment. Because, we have got very bitter experience in this matter. I am not questioning the intentions of the Government and the Hon. Ministers. Their intentions are no doubt good. Now the Government have put the clauses in such a way that they will safeguard the interests of only certain sections of the

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people. I do not think we can put it in that manner legally. It means that the Government have given their policy and there is nothing more in it. If that is so, we must remember that policies are bound to change from time to time as and when the Cabinet changes. Any Cabinet cannot be said to be permanent, but the Act will remain permanent. But when the Cabinet changes, the policies will change. So we cannot stand on policies, which are likely to change tomorrow or day after tomorrow. When I say this, I am not saying it on presumption. Things have been changed in this manner. When the present Government came into power, they clearly stated that after the judgment of the High Court Division Bench relating to some defect in the definitions section, they were preparing an amending Bill to make clear the position. But till now they have not done that. When we ask them what happened to it, we are told that the Legal Department is on that business. How many years it will take for them to bring this amending legislation is not known. From the time the Tanjore Tenants and Pannaiyals Protection Bill was considered and passed here, we have been repeatedly approaching the Ministers and also sending memoranda after memoranda to the Government, and making appeals on the floor of the House and also outside requesting the Government to clear the awkward position created by the judgment of the High Court so that the poor peasants may be allowed to have occupancy rights and so that there may not be mass evictions. Let them bring their comprehensive legislation or whatever it is, at any time most suited to them. But they should not delay the bringing of necessary legislation to help the poor peasants in their present plight when mass scale eviction has been going on. Hon. Mr. Manickavelu Naicker may be in charge of this Bill and in charge of this portfolio to-day. We do not know who will take charge to-morrow. As we have bitter experience in this matter, we should not allow these things to be left as they are relying on the policy of the Government. There must be specific provisions in the Act itself, for which we have been clamouring. We have had sufficient experience with these Tribunals. Especially after the judgment of the High Court, to which I have just now referred, practically all the judgments of the Tribunal are in favour of the inamdars only and not in favour of the tenants. I can say this emphatically and can challenge anybody on this matter. I earnestly beg the Government not to insist on this clause which is a very dangerous one. It will really kill thousands and lakhs of tenants, particularly in Andhra Desa. When we request the Government to take up some projects in the Andhra area, we are told 'You are getting your own State shortly and you can very well ask that State to take up those projects.' Why should not the Government adopt the same policy with regard to other matters also? This Bill will affect mostly the tenants of the Andhra districts. In Tamilnad, the tenants will not be so many. I do not deny that there will be some tenants in Tamilnad also. But 90 per cent of the tenants are in Andhra Desa. Though the

intentions of the Government may be good, the practice will be definitely bad. I request the Government to drop at least this clause. I have no objection to the remaining clauses."

* Sri V. K. RAMASWAMY MUDALIAR :—" Mr. Speaker. I wish to say a few words on this amendment. So far as the Government amendment is concerned, it is quite all right. I don't see any reason why Mr. Latchanna should be so vehement in his opposition to this amendment. The rights of both the inamdars and the ryots are sought to be protected here. Though the Hon. Finance Minister said that the Government would care more for the ryots and their interests, it is very clear that no one particular section of people will get preferential treatment. The interests of everybody will be safeguarded. So far as the provisions relating to the communal lands are concerned, it is said that as the ryots are not in a position to contest the suits, the Government will contest them on their behalf. Even now, the revenue officials have got full powers to evict the encroachers on communal lands, and poramboke lands. Even under the old Estates Land Act, the revenue officials were fully armed with powers and the ryots are conscientious enough to take the initiative and the amendment so far as the communal lands are concerned, is not necessary.

" With regard to the recovery of excess payment of compensation, I entirely agree with the Government that whatever was paid in excess must be recovered. In this connection, I wish to state that there should not be any miscalculation by the Tribunal and the compensation should be rightly and properly assessed even in the first instance. Because, I know in many cases of displaced zamindars the compensation amount granted by the Government is attached by the creditors and very little is left to the poor zamindars. That being the case, once a wrong calculation is made and the zamindars are paid compensation in excess, it will be very difficult to recover the excess amount from them afterwards. That is why I say that instead of making a wrong calculation in the beginning and afterwards incurring expenditure and experiencing great difficulty in recovering the excess amount from the zamindars, the Government should take steps to see that even in the first instance the compensation amount is correctly assessed. If this is done, matters will be made easier. That is my submission, Sir."

Sri G. YELLAMANDA REDDI :—" Mr. Speaker, the Hon. Leader of the House, and the Hon. Minister for Land Revenue said that this is a very simple measure and there is no difficulty in it. Though it is stated in the Statement of Objects and Reasons that the Government will contest on behalf of the tenants and ryots, it is not categorically stated in the clause. It is very necessary that they should clearly and specifically mention in the clause itself that they will contest the suits on behalf of the tenants and ryots. If only they are really willing and keen to help the

ryots, they would have categorically stated even in this clause that they will only contest on behalf of the ryots and not on behalf of the inamdars. Unless and until they definitely say this in the clause itself, we have only to take it that they are only keen on helping the landlords and inamdars. This is an atrocious clause and should not remain as it is. Probably, the Government want to hide this clause by some other clause which rather seems to help the ryots. For instance, there is the clause relating to the communal lands and the Government say that in respect of these, they will help the ryots. Whatever may be their intentions, I want that the Government must specifically, categorically and definitely say even in the clause itself that they will contest only on behalf of and in favour of the ryots.''

Mr. SPEAKER :—'' The hon. Member may continue his speech later on. Now the Half-hour debate will commence.''

IV.—HALF-HOUR DEBATE ON THE CANCELLATION OF TEACHERS' CERTIFICATES IN MALABAR.[a]

Sri T. C. NARAYAN NAMBIAR :—'' Mr. Speaker, Sir, I am grateful to the Hon. the Chief Minister as well as the Hon. the Minister for Education for the assurance that the question of restoring the cancelled and suspended certificates would be most sympathetically considered. However, the Chief Minister intervening during question hour said that short of giving subsistence allowance to the Communist teachers, everything possible will be done to do justice. By this answer, an impression was created that we on this side of the House as well as the public, the democratic public, demand the restoration of the certificates because these are Communist workers and we want them to do Communist work. I urge and request the Government to do justice not only to the Communist teachers but to all teachers. It is not a case of Communists versus the Government. It is a question of Government versus democratic opinion. This was the position during the period 1948–49 in Malabar and in other parts of the State. In this connection, I want to invite the attention of the Hon. Minister to one other fact. If the Minister feels that it was due to the so-called Communist trouble in 1948–49 in North Malabar that the certificates were suspended, I most earnestly ask him why was it that certificates of some 100 teachers of Palghat and Walluvanad were suspended where no public meetings were held, where no Communist agitation was taking place and where no peasant trouble started in 1948–52. You may ask, Sir, why these hundred certificates were cancelled and suspended. The main reason is on March 8, 1948, the Malabar aided elementary school teachers met in conference at Tirur in South Malabar and passed a resolution that though the Government had passed orders in 1947 that the teachers would be given the minimum scale it was not

1–30 p.m.

[a] See Starred question No. 940 answered on 24th July 1953. The Half-hour debate was cancelled on 25th July 1953 but is since taken up to-day.